

Appl. No. 10/080,428
Resp. to Not. To Comply filed May 19, 2005
Resp. to Non Compliant Amdt. dated April 19, 2005

REMARKS

Claims 1 and 4-34 are pending in the subject application. Claims 1, 4, 12 and 13 have been amended, and claims 2 and 3 cancelled. Applicants reserve the right to pursue the cancelled subject matter in a related application, and/or to rejoin the restricted subject matter.

In the Communication mailed April 19, 2005, the Office noted two deficiencies in Applicants' Amendment and Response to Restriction Requirement filed January 28, 2005. These deficiencies were: (1) some of the claims did not have the appropriate status identifier in a parenthetical expression following the claim number (e.g., claims 2 and 3); and (2) that Applicants failed to clearly indicate that the listing of the claims is one that is readable on the elected species. Applicants submit that the deficiencies are remedied by this paper.

(1) Claims

Applicants believe that the Office may have been referring to the sentence inserted after the numbers of these claims indicating these claims were cancelled. Accordingly, Applicants have removed the claim numbers, and inserted only a single sentence indicating that these claims are cancelled, in accordance with 27 CFR 1.121(c).

In addition, since it appears that the previous amendment was not entered, Applicants have retained the indication that claim 1 is "Currently Amended." Applicants have also corrected the dependent basis in claims 4, 12, and 13 with this amendment, and have indicated that these claims are "Currently Amended."

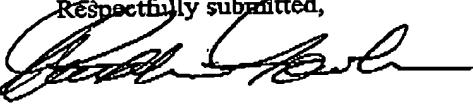
(2) Elected Species and Status of the Claims

Group I (Claims 1 and 4-13) and the species p65, CMV promoter, an antibody, and CHO were elected. Claims 1 and 4-13 read on the elected species p65. In particular, claims 12 and 13 have been amended to make clear that a mutant p65 is a type of p65. Claims 1 and 4-13 also read on the elected species of CMV promoter, antibody, and CHO.

CONCLUSION

An early and favorable action is earnestly requested. If any issues remain after consideration of this Amendment, the Examiner is invited to telephone the undersigned representative of the Applicants, to discuss resolution thereof.

Immunex Corporation
1201 Amgen Court West
Seattle, WA 98119-3105
Telephone: (206) 265-7847
Facsimile: (206) 233-0644

Respectfully submitted,

Kathleen Fowler
Registration no. 40,611
Date: May 19, 2005